

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LEAD CREATION INC.,
Plaintiff,
v.
THE PARTNERSHIPS and
UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE “A,”
Defendants.

Case No.: 1:22-cv-10377

PRELIMINARY INJUNCTION ORDER

THIS CAUSE being before the Court on Plaintiff Lead Creation Inc., (“Lead Creation Inc.,” or “Plaintiff”) Motion for Entry of a Preliminary Injunction against the fully interactive, e-commerce stores operating under the seller aliases identified in Schedule A attached hereto (collectively, the “Seller Aliases”), this Court, ~~having heard the evidence before it,~~ hereby GRANTS as follows:

This Court finds, in the absence of adversarial presentation, that it has personal jurisdiction over the Defendants, because the Defendants directly target their business activities toward consumers in the United States, including New York. Specifically, Plaintiff has provided a basis to conclude that Defendants have targeted

sales to New York residents by setting up and operating ecommerce stores that target United States consumers using one or more Seller Aliases, offer shipping to the United States, including New York, accept payment in U.S. dollars and have sold products to residents of New York that infringe on United States Patent No. 7530706 LED Lighting Apparatus with Fast Changing Focus.

This Court further finds that injunctive relief previously granted in the Temporary Restraining Order (“TRO”) should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of Plaintiff’s previously granted Motion for Entry of a Temporary Restraining Order establishes that Plaintiff has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that Lead Creation Inc., will suffer irreparable harm if the injunction is not granted. Specifically, Plaintiff has proved a prima facie case of patent infringement because (1) Plaintiff Lead Creation Inc., is the lawful assignee of all right, title and interest in United States Patent No. 7530706 entitled LED Lighting Apparatus With Fast Changing Focus (the "Patent-in-suit"), (2) Defendants are individuals and business entities of unknown make up who operate one or more e-commerce stores that sell products embodying the invention of the Patent-in-suit., through various fully interactive, e-commerce stores (3) Furthermore, Defendants’ continued and unauthorized use of the Patent-in-suit

irreparably harms Lead Creation Inc., through loss of customers' goodwill, reputational harm, and Plaintiff Lead Creation Inc.'s ability to exploit the Patent-in-suit. Monetary damages fail to address such damage and, therefore, Plaintiff has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions. As such, this Court orders that:

1. Defendants, their officers, agents, servants, employees, attorneys and all persons acting for, with, by, through, under or in active concert with them be preliminarily enjoined and restrained from selling, distributing or manufacturing products embodying the invention of the Patent-in-suit.
2. Defendants, their officers, agents, servants, employees, attorneys and all persons acting for, with, by, through, under or in active concert with them be preliminarily enjoined and restrained from hosting or otherwise controlling any Internet content, server, or website that contains product listings embodying the invention in the Patent-in-suit posted by or on behalf of Defendants and to immediately take steps to ensure that the relevant information on any website, blog, or social media service is no longer viewable or accessible by persons using the Internet and prevent the alteration, destruction, or erasure of any Internet content, servers, or websites that contain this information.

3. Upon Plaintiff's request, any third party with actual notice of this Order who is providing services for any of the Defendants or in connection with any of Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as eBay, Inc. ("eBay"), AliExpress, Alibaba Group Holding Ltd. ("Alibaba"), Amazon.com, Inc. ("Amazon") and Etsy Inc. ("Etsy") (collectively, the "Third Party Providers") shall, within ten (10) business days after receipt of such notice, provide to Plaintiff expedited discovery, limited to copies of documents in such person's or entity's possession or control sufficient to determine:

- a) the identities and locations of Defendants, their agents, servants, employees, attorneys, and any persons acting in concert or participation with them, including all known contact information and all associated e-mail addresses;
- b) the nature of Defendants' operations and all associated sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces; and

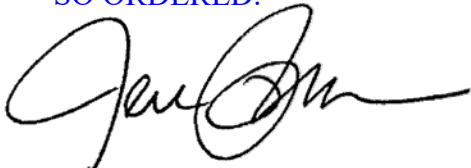
- c) any financial accounts owned or controlled by Defendants, including their agents, servants, employees, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal Inc. (“PayPal”), eBay, Alipay, Alibaba, Ant Financial Services Group (“Ant Financial”), Amazon Pay, Wish.com or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
4. Upon Plaintiff’s request, those with notice of this Order, including Third Party Providers as defined in Paragraph 3, shall within ten (10) business days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of goods infringing the Patent-in-suit.
5. Defendants shall not transfer or dispose of any money or other of Defendants’ assets in any of Defendants’ financial accounts.
6. Any Third-Party Providers, including PayPal, eBay, Alipay, Alibaba, Ant Financial, Wish.com, and Amazon Pay, shall, within ten (10) business days of receipt of this Order:

- a. locate all accounts and funds connected to Defendants' Seller Aliases and Online Marketplaces, including, but not limited to, any financial accounts connected to the information listed in Schedule-A hereto, the e-mail addresses identified in Schedule-A and any email addresses provided for Defendants by third parties;
 - b. and restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
7. Plaintiff may provide notice of these proceedings to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Complaint, this Order and other relevant documents on a website and by sending an e-mail to the e-mail addresses identified on Schedule A and any email addresses provided for Defendants by third parties that includes a link to said website. The combination of providing notice via electronic publication and e-mail, along with any notice that Defendants receive from payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections. [Plaintiff shall serve a copy of this Order on all Defendants within two business days.](#)

8. Any Defendants or other person that is subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and Southern District of New York Local Rules.
9. The \$15,000 bond posted by Plaintiff shall remain with the Court until a Final disposition of this case or until this Preliminary Injunction is terminated upon order of the Court.

The Clerk of Court is directed to terminate ECF No. 105.

SO ORDERED.



February 23, 2023